THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20732 OF 1998

DATED: 13-06-2007

Between:

D. Uma Maheswarudu

.. Petitioner

and

The Executive Director, Cuddapah District Scheduled Caste Services Cooperative Society Limited, Cuddapah and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20732 OF 1998

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in not regularizing the petitioner's services as Watchman though he completed five years of service as arbitrary and illegal; and consequently to direct the respondents to regularize the services of the petitioner with all consequential benefits.

It appears, the petitioner, who passed S.S.C., was appointed as N.M.R. Watchman in the District Scheduled Castes Services Cooperative Society, Proddutur Sub Division, Kadapa (for short 'the Society') on 28.05.1993. He was being paid consolidated pay, which has been enhanced to Rs.1,171.80 ps. per month at the time of filing of the writ petition. According to the petitioner, since he had put in five years of service as Watchman, he is entitled for regularization of his services in the post of Watchman. He made a representation to the respondents on 08.06.1998 seeking regularization of his services, but no action has been taken by the respondents till date. The Government of Andhra Pradesh issued G.O.Ms.No.212 dated 22.4.1994 wherein it is stated that the persons, those who have completed five years of service as on 23.11.1993, are entitled for regularization of their services. Further, when similarly placed persons approached this Court by way of filing W.P.Nos.18572 and 29343 of 1995, the said writ petitions were disposed of on 31.7.1996 holding that the persons, who have completed five years of years, are entitled for regularization of their services, if any sanctioned post is available in respect of their needed services. When the matter was carried to the Apex Court, the Apex Court had confirmed the Judgment of this Court. Therefore, he is entitled for regularization of his services in the post of Watchman.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner. It is asserted that the petitioner was engaged only on daily wage basis and now there is no necessity for the Society to have a watchman at all. It is further asserted that due to lack of P.S. charges, the Engineering Wing of the Society is not in a position to pay the salaries regularly to the employees working in the Engineering Wing and, therefore, it is not possible to regularize the services of the petitioner and continue him in service.

Heard both sides.

In the counter-affidavit filed by the respondents, nowhere it is stated that the services of the petitioner were dispensed with as on the date of filing of the counter.

In view of the above, without expressing any opinion on the merits, I deem it appropriate to direct the respondents to consider the representation, dated 08.6.1998, purported to have been filed by the petitioner and pass appropriate orders thereon, as per law, if the petitioner is continuing in service as of now, within a period of two months from the date of receipt of a copy of this order and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

13th June, 2007.
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